

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)	CASE NO. 16-40675
)	(Substantively Consolidated)
ALLIED CONSOLIDATED)	
INDUSTRIES, INC.)	IN PROCEEDINGS UNDER CHAPTER 11
)	
)	JUDGE KAY WOODS
)	
)	MOTION FOR APPROVAL OF
)	PROPOSED SALE OF SIX CRANES BY
)	PRIVATE SALE AND NOTICE
)	THEREOF

Now comes Inglewood Associates LLC as represented by John Lane as trustee (the "Trustee"), by and through its attorney and hereby moves this Court for an order granting approval to sell three 20 ton Demag cranes, serial numbers 82091, 80156, and 80157, a ten ton Demag crane, serial number 81231, and two 30 ton Demag cranes, serial numbers 94562 and 94563 by private sale to Yoder Machinery Sales, 1500 Holloway Road, P.O. Box 100, Holland, Ohio 43528, for the net sum of \$265,905.00 pursuant to the authority granted him by the second amended joint plan of reorganization confirmed by prior order of this Court and the creditor trust agreement and, for cause, states as follows:

BACKGROUND

1. On April 13, 2016 (the "Petition Date"), the debtor, Allied Consolidated Industries, Inc., and certain subsidiaries each filed a voluntary petition for relief under the provisions of Chapter 11 of the United States Bankruptcy Code. The estates of each of the debtors were substantively consolidated into the estate of Allied Consolidated Industries, Inc., Case #16-40675.

2. On the 2nd day of May, 2017, the debtor did file its Second Amended Joint Plan of Reorganization proposed by the debtor and the Official Committee of Unsecured Creditors (the "Plan"). On June 19, 2017, the Plan was confirmed by order of this Court and thereafter the Creditor Trust was created in accordance with Article 8 of the Plan and the Trust Agreement.

3. Certain property was transferred to the creditor trust on the effective date and included within such property was property identified in Exhibit A attached hereto and incorporated herein by reference as if rewritten in full.

4. That, pursuant to Section 8.3(d) and Section 8.5 of the Plan and Section 6.1(d) and Section 6.3 of the Creditor Trust Agreement, the trustee has determined that a sale of the equipment described in Exhibit A was appropriate in the exercise of his reasonable business judgment and in order to comply with the provisions of the Plan and the Creditor Trust Agreement.

5. That the trustee employed Yoder Machinery Sales to sell certain cranes, including the cranes described in the purchaser order attached as Exhibit A and such cranes have been marketed for over one year. The original list price for these six cranes was \$311,000. The list price was reduced by 5% in anticipation that such price might trigger greater market interest. Yoder Machinery Sales has obtained a buyer for such cranes at a total purchase price of \$295,450 constituting the list price. Pursuant to their listing agreement, they are entitled to a 10% commission, thereby reducing the net to Allied to an amount of \$265,905 which Yoder Machinery Sales is ready, willing, and able to deliver to the trustee and no further charge will be asserted by Yoder Machinery Sales or paid by the trustee. In the opinion of the trustee, the net sales price equals or exceeds the amount which would be realized from further sales efforts.

6. That the purchaser from Yoder is likely to take possession of the cranes prior to the hearing since it had paid Yoder Machinery Sales the entire purchase price and was a purchaser located in Iowa who expects delivery trucks necessary for transportation of the cranes to arrive this coming week. Further, the current listing price was offered and, in the event the sale could not be closed immediately, a substantial likelihood existed that the transaction would not be consummated and, in fact, even a one week delay in delivery of possession may cause the purchaser to cancel the transaction.

RELIEF REQUESTED

7. The Trustee seeks approval from this Court for the proposed disposition of the six cranes above described to Yoder Machinery Sales pursuant to his authority provided in the Plan and the Creditor Trust Agreement.

8. That the Trustee believes that this sale is a material transaction as such transaction is defined in the Plan and the Creditor Trust Agreement requiring court approval of the proposed disposition.

9. The proceeds of the sale shall be paid out pursuant to the terms of the Confirmed Plan of Reorganization.

WHEREFORE, Trustee prays that this Court enter its order approving the proposed sale of the six cranes by private sale to Yoder Machinery Sales for the net amount of \$265,905, and for such other and further relief as is just and proper.

GIBSON & MORAN LLC

/s/ Michael J. Moran

Michael J. Moran, #0018869

Attorney for John Lane, Trustee

234 West Portage Trail

P.O. Box 535

Cuyahoga Falls, Ohio 44221

(330) 929-0507

(330) 929-6605 (fax)

mike@gibsonmoran.com

CERTIFICATE OF SERVICE

I certify that, on April 23, 2018, a true and correct copy of this motion was served:
Via the court's Electronic Case Filing System on these entities and individuals who are listed
on the court's Electronic Mail Notice List:

Jerry M. Bryan, on behalf of Allied Consolidated Industries, Inc.,
jbryan@herndersoncovington.com

Charles E. Dunlap, on behalf of Allied Consolidated Industries, Inc.,
cedunlap76@charlesdunlaplaw.com

Jeremy V. Farrell, on behalf of Laborers' Combined Funds of Western Pennsylvania,
jfarrell@tuckerlaw.com

Melody Dugic Gazda, on behalf of Allied Consolidated Industries, Inc.,
mgazda@hendersoncovington.com

Michael R. Gladman, on behalf of United States Steel Corporation,
mrgladman@jonesday.com

Matthew Gold, on behalf of Argo Partners, courts@argopartners.net

Neil J. Gregorio, on behalf of Laborers' Combined Funds of Western Pennsylvania,
ngregorio@tuckerlaw.com

Corey Grimm, Interested Party, cgrimm86@gmail.com

R. Scott Heasley, on behalf of Norfolk Southern Railway Co., sheasley@gallaghersharp.com

Joseph R. Macejko, on behalf of Allied Consolidated Industries, Inc.,
jaymacejko@suharlaw.com

Melissa M. Macejko, on behalf of Allied Consolidated Industries, Inc.,
mmacejko@suharlaw.com

Donald E. Miehl, on behalf of Tradesmen International, LLC,
donald.miehl@tradesmeninternational.com

Scott A. Norcross, on behalf of Norfolk Southern Railway Co.,
snorcross@gallaghersharp.com

Charles Oellermann, on behalf of United States Steel Corporation,
coellermann@jonesday.com

Joseph E. Oliver, on behalf of H&H Machine Shop of Akron, Inc., jeoco2@aol.com

Roy A. Powell, on behalf of

Harry A. Readshaw, on behalf of Eckert Seamans Cherin & Mellott LLC,
breadshaw@eckertseamans.com

Jonathan K. Schoenike, on behalf of Michael D. Ramun, schoenike@zoominternet.com

Richard P. Schroeter, on behalf of Bureau of Workers' Compensation, rschroeter@amer-collect.com

Frederic P. Schwieg, on behalf of Committee of Unsecured Creditors of Allied Consolidated,
fschwieg@schwieglaw.com

Jay M. Skolnick, on behalf of Nadler Nadler & Burdman Co., LPA,
jmskolnick@nnblaw.com

Andrew M. Suhar, on behalf of Allied Consolidated Industries, Inc., asuhar@suhar.com

United States Trustee

Amy Good, on behalf of United State Trustee, amy.l.good@usdoj.gov

And by regular U.S. mail, postage prepaid to:

Reid Yoder
DiCaudo, Pitchford & Yoder
209 S. Main Street, 3rd Floor
Akron, OH 44308

/s/ Michael J. Moran
Michael J. Moran, #0018869
Attorney for John Lane, Trustee
234 West Portage Trail
P.O. Box 535
Cuyahoga Falls, Ohio 44221
(330) 929-0507
(330) 929-6605 (fax)
mike@gibsonmoran.com

Purchase Order

YODER MACHINERY SALES

1500 HOLLOWAY ROAD, P.O. BOX 100, HOLLAND, OHIO 43528



(419) 865-5555

FAX (419) 865-5557

ALLIED ERECTING & DISMANTLING CO

ATTENTION: JOHN RAMON

2100 POLAND AVENUE

YOUNGSTOWN, OH 44502

PURCHASE
NO.

04182018

PURCHASE
DATE

04/18/2018

SHIPPED
TO

WILL ADVISE

TELEPHONE: 330/233-7104

EMAIL: JP@ALLIEDGATOR.COM

P
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YOUR ORDER NO.	CASH	TERMS	BEST WAY	SHIPPED VIA	PPD OR COLL
QUANTITY	DESCRIPTION				AMOUNT

YODER ID #	DESCRIPTION	SERIAL #
65082	20 TON DEMAG CRANE	82091
65083	20 TON DEMAG CRANE	80156
65084	20 TON DEMAG CRANE	80157
65085	10 TON DEMAG CRANE	81231
65104	30 TON DEMAG CRANE	94562
65105	30 TON DEMAG CRANE	94563

TOTAL PACKAGE PRICE:

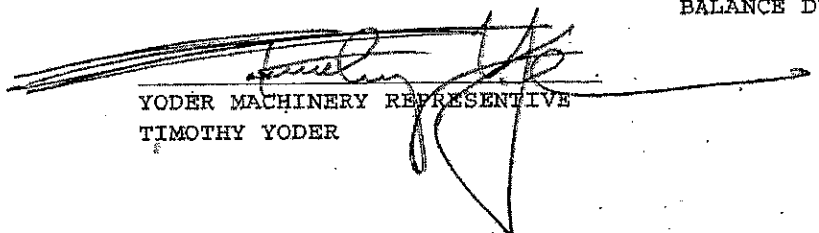
\$265,905.00

CRANES LOADED FOB TRUCK, YOUNGSTOWN, OH

THESE MACHINES ARE BEING PURCHASED "FREE & CLEAR" OF ANY AND ALL LIENS OR OTHER SIMILAR ASSOCIATED FINANCIAL ENCUMBRANCES. IF THIS IS NOT THE CASE THEN THIS P.O. IS VOID AND THE REMITTANCE ENCLOSED MUST BE RETURNED TO YODER MACHINERY SALES IMMEDIATELY. SELLER WILL LOAD ON BUYER'S TRUCK AT NO CHARGE.

PLEASE INCLUDE ALL AVAILABLE SPARE PARTS, TOOLING, MANUALS AND SCHEMATICS.

TOTAL AMOUNT DUE	\$
AMOUNT PAID	\$
BALANCE DUE	\$



YODER MACHINERY REPRESENTATIVE
TIMOTHY YODER

CUSTOMER'S ACCEPTANCE SIGNATURE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:)	CASE NO. 16-40675
)	
ALLIED CONSOLIDATED INDUSTRIES)	IN PROCEEDINGS UNDER
INC., et al.)	CHAPTER 11
)	
)	BANKRUPTCY JUDGE
)	KAY WOODS

Form 20A. Notice of Motion for Approval of Proposed Sale

Michael J. Moran, Attorney for John Lane, Trustee, has filed several motions with the court to sell property and certain real property

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to contact one.)

If you do not want the court to agree to said sale, or if you want the court to consider your views on the matter, then on or before May 14th, 2018, you or your attorney must:

File with the court a written request for hearing {or, *if the court requires a written response*, an answer, explaining your position}
at:

Clerk of the U.S. Bankruptcy Court
Nathaniel R. Jones Federal Building & U.S. Courthouse
10 East Commerce Street
Youngstown, Ohio 44503-1621

If you mail your request/response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Michael J. Moran, Esq.
Attorney for the Trustee
234 Portage Trail, P.O. Box 535
Cuyahoga Falls, Ohio 44222

Attend the hearing on the objection, scheduled to be held on May 22nd, 2018 at 10:00 a.m.
in the United States Bankruptcy Court, Address above.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief.

Date: April 23, 2018

Signature: /s/ Michael J. Moran
Name: Michael J. Moran #0018869
Address: 234 Portage Trail, Cuyahoga Falls, OH 44221